

Policy on Student-Athlete Name, Image, and Likeness (NIL)

Policy Title	Policy on Student-Athlete Name, Image, and Likeness (NIL)
Policy #	06.101.2
Policy Owner	Chief NCAA Compliance Officer
Contact Information	Questions regarding this policy should be directed to the Chief NCAA Compliance Officer at (401) 874-5457
Approved By	Administrative Policy Committee
Effective Date	January 3, 2023
Next Review Date	No later than March 31, 2028
Who Needs to Know About this Policy	All staff and students of the University, particularly student-athletes, as well as contractors, representatives, and Agents associated with Athletics, and other Representatives of Athletics Interests (“boosters”). Portions of this policy cover Prospective Student Athletes.
Definitions	<p>Agent. Any individual who, directly or indirectly: (a) represents or attempts to represent an individual for the purpose of marketing their athletics ability or reputation for financial gain as a professional athlete; or (b) seeks to obtain any type of financial gain or benefit from securing a prospective student-athlete’s enrollment at an educational institution or from a student-athlete’s potential earnings as a professional athlete.</p> <p>Compensation. Remuneration or payment in any form, including cash, credit, cryptocurrency, product, or other benefit.</p> <p>Endorsement. An act, either expressed or implied, that indicates one’s public approval or support of a product or service.</p> <p>Name, Image, and Likeness (NIL). Terminology frequently used to describe a legal concept known as “right of publicity.” Right of publicity involves situations where permission is required of a person to use their name, image (e.g., a picture or video), or likeness (e.g., a cartoon, avatar, or sculpture); the requirement of permission also means that the person whose NIL is being used may demand Compensation by a third party in return for use of one’s NIL.</p>

	<p>NIL Activity. A NIL Activity is any activity in which a prospective student-athlete or student-athlete’s NIL or personal appearance is used for promotional purposes by an entity other than the University of Rhode Island, including for use by the individual prospective student-athlete or student-athlete, a commercial entity, or a nonprofit or charitable entity (other than the University of Rhode Island), regardless of whether such use is compensated or uncompensated.</p> <p>Professional Service Provider. Individuals who provide any of the following professional services to student-athletes: (a) advice regarding NIL activities, (b) representation in contract negotiations related to NIL activities, and (c) marketing of the student-athlete’s NIL.</p> <p>Prospective Student-Athlete. A prospective student-athlete is a student who has started classes for the ninth grade.</p> <p>Representatives of Athletics Interests. Also known as “boosters,” are individuals or entities who support or promote the athletics department/specific athletic programs, assist with recruitment, or have provided benefits to student-athletes or their families.</p>
<p>Statutes, Regulations, and Policies Governing or Necessitating This Policy</p>	<p>NCAA Interim NIL Policy suspending NCAA name, image, and likeness rules for all incoming and current student-athletes in all sports (effective July 1, 2021)</p>
<p>Reason for Policy / Purpose</p>	<p>Under recent NCAA Bylaw and policy changes, University of Rhode Island student-athletes may begin to receive Compensation from third parties (but NOT from the University) for use of their NIL in Endorsements or NIL Activities.</p>
<p>Forms Related to this Policy</p>	<p><i>ARMS Name, Image and Likeness Disclosure Form</i>; INFLNCR app; Opendorse app</p>

Policy Statement

The University of Rhode Island Department of Athletics is committed to supporting student-athletes and their pursuit of Name, Image, and Likeness (NIL) activities in accordance with applicable NCAA rules and/or state and federal laws while continuing to further the mission of the Department of Athletics: to lead a Division I Intercollegiate Athletics program that positively influences University of Rhode Island (also, “University”) student-athletes, aligns with the mission of the University, and demonstrates its value by enhancing the University’s local, regional, and national reputation. The University will help to broadly educate its student-athletes in partnership with the Atlantic 10 Conference and will include professional development in the areas of decision-making, due diligence, money, and contracts.

This policy applies to all student-athletes participating in intercollegiate athletic programs at the University. It outlines the expectations surrounding a student-athlete's involvement in NIL Activities while encouraging these student-athletes to take advantage of these new opportunities. As some of the University's most visible ambassadors, student-athletes are expected to conduct themselves in a manner that reflects positively upon themselves, their families, their coaches, their teammates, the Department of Athletics, and the University as a whole.

This policy applies to student-athletes at the University when they initially enroll as a full-time student or when they begin official practice at the University, whichever occurs first.

Guidelines

Compensation for Services

A student-athlete may receive Compensation from a third party (but not from the University) for NIL Activity as long as such Compensation is provided in exchange for services, activities, appearances, intellectual property, or other value provided by the student-athlete. A student-athlete may not receive Compensation in exchange for athletic performance. Compensation that is provided in exchange for athletic performance or that otherwise does not meet the requirement of Compensation for services described above could be deemed "Pay for Play" and may lead to a determination of ineligibility to participate in college athletics. Examples of impermissible Compensation include:

- A \$100 payment to a soccer student-athlete for each goal scored
- A \$10,000 payment to a basketball student-athlete for receiving the Player of the Year award
- Free use of a car from a car dealer for a student-athlete when the student-athlete has not provided any service to the car dealer in exchange

Disclosure

Student-athletes must disclose any NIL Activity to the University that results in Compensation within ten (10) days of either the receipt of the Compensation or the execution of an agreement for future Compensation, whichever occurs first. Disclosures must be made through the INFLNCR or Opendorse app. The University will maintain all documentation related to a student-athlete's NIL transactions for a period of seven (7) years.

Absent disclosure, the University is unable to assist a student-athlete with eligibility implications that could result from a violation of current or future NCAA rules or state or federal law.

Role of the University of Rhode Island

The University, including its employees, contractors, representatives, and Agents, may, but is not required to:

1. Educate student-athletes on topics related to NIL Activity, including, but not limited to: engaging in NIL, best practices, rules and risks, and building one's personal brand. Education may be done in partnership with the Atlantic 10 Conference.
2. Inform student-athletes about potential NIL opportunities and engage a NIL service provider to administer a "marketplace" that matches student-athletes with those opportunities.

3. Support student-athletes in NIL Activities directly by providing stock photos or graphics to either a student-athlete or a NIL entity (e.g., Collectives and others seeking to engage student-athletes) or arranging space on campus for an entity and student-athlete to meet.
4. Advise student-athletes of known resources that may assist student-athletes with the evaluation of a Professional Service Provider, such as tax advisors, marketing consultants, attorneys, brand managers, or Agents, that support NIL Activity.
5. Allow student-athletes access to and use of University facilities for NIL Activity under the same rules, regulations, fees, and terms and conditions in effect for any third-party user requesting comparable access or use. Student-athletes should contact the University's Department of Marketing and Communications (401-874-2116) for additional information.
6. Promote student-athletes' NIL Activities, provided the student-athlete or NIL entity pays the going rate for that advertisement (for example, on a video board during a game).
7. Provide support to student-athletes that would be provided to any other University student.

The University, including its employees, contractors, representatives, and Agents, may not:

1. Engage in negotiations on behalf of a NIL entity or a student-athlete to secure specific NIL opportunities.
2. Use the promise of any NIL Activity as an inducement to attend the University.
3. Contract with any entity engaged in, or otherwise knowingly allow any University partner or contractor to engage in, activity that is impermissible for the University.
4. Endorse or recommend any specific Professional Service Provider.
5. Review or confirm that a student-athlete's NIL contract complies with applicable law, regulations, policies, procedures, or rules.
6. Pay for, provide, or facilitate a relationship between a Professional Service Provider and any student-athlete.

Student-athletes remain subject to all applicable University policies and procedures, as may be adopted and/or amended from time to time.

Professional Service Providers

Student-athletes may utilize the services of a Professional Service Provider for assistance with NIL Activity. However, an individual or entity who serves as a student-athlete's Professional Service Provider for NIL Activity may not also serve as the student-athlete's Agent. Student-athlete use of Agents must be consistent with current NCAA rules governing Agents (for example, they must be registered in the State of Rhode Island and cannot be used for future professional athletic contract negotiations).

Use of University Name or Marks

Student-athletes at the University may state that they play "[name of sport] at the University of Rhode Island" or that they are "a member of the [name of sport] at the University of Rhode Island" to identify themselves in connection with NIL Activity. Student-athletes will only be allowed to use University or Athletic Department related marks and logos, the Keaney Blue and navy blue color scheme, team or player photographs and videos, any and all aspects

of the uniform, including but not limited to, team colors, designs, and player numbers, if those rights have been secured with written permission from the University, which permission will be for a defined purpose and may be revoked by the University at any time in its discretion. Use of University Marks must comply with the University's policy on Trademarks and Licensing. Student Athletes may contact the University's Associate Athletic Director for Marketing for more information. Additional information regarding the University's current licensee base, the University style guide, and the University's current trademark/licensing Agent (CLC) can be found below:

- [Current Licensee List](#)
- [University of Rhode Island Style Guide](#)
- [CLC](#)

Conflict with Current University Contracts

Student-athletes at the University may enter Endorsements or NIL Activities with sponsors of the University or entities that compete with sponsors of the University. However, the University's student-athletes are required to wear footwear and apparel mandated by any current University contracts while training, competing, or doing promotions on behalf of the University, unless any of those vendors have provided 1) a team exemption due to lack of product or 2) an individual exemption for medical reasons. Additionally, student-athletes entering into partnerships with brands that compete against the exclusive beverage provider of the University will not be permitted to 1) endorse that brand on campus in any capacity or 2) wear University provided gear that shows association with another beverage provider while endorsing that brand digitally or off-campus.

Conflict with NCAA or University Values

The following student-athlete Endorsements are prohibited:

1. Any tobacco company or brand, including any tobacco product, alternative nicotine product, or electronic nicotine delivery system, as well as any electronic nicotine delivery system retailer, any specialty retailer of electronic nicotine delivery systems, or tobacco specialty store.
2. Any alcoholic beverage company or brand.
3. Any marijuana company, product, or brand including CBD.
4. Any seller or dispensary of a controlled substance, as defined by federal law.
5. Any adult entertainment, sexually suggestive products, or sex-oriented products or services, including associated conduct, imagery, or inferences.
6. Any product, substance, or method that is prohibited in competition by an athletic association, athletic conference, or other organization governing intercollegiate athletic program competition.
7. Any casino or entities that conduct, provide data or information to, sponsor, or promote gambling activities.

Conflict of Commitment

Student-athletes may not miss class or other mandatory academic requirements or required team activities to engage in NIL Activities.

Recruiting Inducement and Boosters

Neither the University nor a Representative of Athletics Interests, often known as “boosters,” can use NIL Activity or a promise related thereto in any manner that could be deemed an inducement for a prospective student-athlete to attend the University or for a current student-athlete to remain enrolled at the University.

Prospective Student-Athletes

Prospective student-athletes who enroll at the University may not engage in any NIL Activity that is impermissible for current student-athletes at the University under this policy. Prospective student-athletes do not need to disclose to the University NIL transactions that will not continue during such student-athletes' enrollment at the University.

International Student-Athletes

Whether international student-athletes may receive NIL Compensation from a third party will depend upon several factors including the nature of the specific NIL Activity, the student-athlete's immigration status, and specific provisions of state and federal law as well as NCAA rules. Before engaging in any compensated NIL Activity or executing an agreement for future Compensation for NIL Activity, international student-athletes should contact the University's Office of International Student and Scholars for additional information and should seek the advice of an experienced immigration attorney.

University Promotional Activities

Student-athletes may be asked to participate in University promotional activities such as appearances, autograph signings, digital content creation, photo shoots, and similar activities in accordance with existing NCAA rules. Student-athletes may not be paid by the University to participate in such activity. Student-athletes may opt out of any such University promotional activities by notifying their head coach or the University of Rhode Island Office of NCAA Compliance.

Non-University Promotional Activities

Student-athletes can be compensated for non-University promotional activities such as autographs, memorabilia, in store appearances, digital advertisements, print advertisements, etc.

Sale of University-Provided Apparel or Tangible Goods

Student-athletes are permitted to sell their own personal items, but may not sell items issued by the University (apparel, awards, equipment) until the student-athlete's eligibility is exhausted. The University and its representatives may not purchase items from its student-athletes, including items originally issued by the University (for example, the University cannot purchase awards back).

Legal Provisions

Equity

The University of Rhode Island and the Department of Athletics are committed to equity in the provision of all permissible institutional services under this policy. However, the University is not responsible for monitoring, overseeing, or enforcing equity in opportunities, Compensation, or other consideration provided by non-University entities.

Employment Status

Although University student-athletes may be employed by the University in some capacity, their status as employees under any federal, state, or local law, regulation, or ordinance is not based on their status as student-athletes regardless of whether the student-athlete receives athletics financial aid, signs a National Letter of Intent, or signs a scholarship agreement with the University. A student-athlete's receipt of NIL Compensation from a non-University entity does not alter the non-employee status of the student-athlete as set forth herein.

Withholding, Tax & Financial Aid

Student-athletes are responsible for all tax, withholding, reporting, licenses, permissions, permits, expenses, fees, and any other obligations, liabilities, or costs associated with NIL Activity. Student-athletes should be aware that receiving Compensation for NIL Activities could have an impact on their financial aid, especially for those receiving Pell Grants. Student-athletes are encouraged to consult with the Office of Enrollment Services to fully understand these potential impacts.

Disclaimer

The University is not liable or otherwise responsible to any student-athlete, non-University entity that partners with a student-athlete, Professional Service Provider, or other entity involved with NIL Activity.

Consequences

Student-athletes who violate this policy may be referred to the Office of Community Standards in accordance with the Student Handbook. Student-athletes may also be subject to NCAA sanctions, up to and including permanent ineligibility to participate in college athletics, and may be subject to associated University sanctions, up to and including cancellation of athletics financial aid, if they are deemed ineligible.

Exceptions

None

Policy Review and Revisions

(Versions earlier than the first policy number may be paper only)

Policy #	Effective Date	Reason for Change	Changes to Policy
06.101.1	November 9, 2021	n/a	n/a
06.101.2	January 3, 2023	Schedule Review; updated NCAA guidance.	Updates to policy to align with NCAA guidance including new language clarifying the University's role in supporting NIL Activities; clarification on conflicts with other University contracts.

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